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10/828,697	04/21/2004	Tony McCormack	920476-95929	5390
23644 7590 03/19/2008 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786				
EXAMINER				
RAYYAN, SUSAN F				
ART UNIT		PAPER NUMBER		
2167				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent-ch@btlaw.com

# Office Action Summary

**Application No.**

10/828,697

**Applicant(s)**

MCCORMACK ET AL.

**Examiner**

SUSAN FOSTER RAYYAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-13 are pending.
2. Claims 14-15 are canceled.

***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claims 1-8, contain the terminology "contact object memory" and "agent object memory".

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4,6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,110,523 issued to Michael D. Gagle et al ("Gagle") and US 7,068,642 issued to Saima Khan ("Khan") and US Publication Number 2006/0123060 issued to Christopher J. Allen et al ("Allen").**

As per independent claim 1, Gagle teaches:

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A network comprising a plurality of contact centers each contact center (column 1, lines 7-10, a plurality of contact centers) comprising:

(i) a contact object memory storing a plurality of contact objects each representing a different contact in the network of contact centers (column 4, lines 5-10 and Figure 3, element 122 as call queue server is updated with details about the call);

and (ii) an agent object memory storing a plurality of agent objects each representing a different agent in the network of contact centers (column 5, lines 8-12 as call center server directs call to an available agent and thus stores agent objects), each of said plurality of agent objects comprising information representing a respective agent and its availability (column 5, lines 47-48, agent availability);

said plurality of contact centers being arranged to replicate and synchronize said contact objects and ... each of the plurality of contact centers (column 5, lines 37-45 as replicating details of incoming calls to each of the call center servers).

Gagle does not explicitly teach whereby the network comprising said plurality of contact centers does not require a central controller and said plurality of contact centers is further arranged such that, if there a fault or a change of mode of operation at one of the contact centers, remaining one of the plurality of contact centers continue to replicate and synchronize said contact objects ... at each of the remaining ones of the plurality of contact centers. Khan does teach this limitation (column 4, lines 25-41, as transfer file sent to each of the distributed call centers and list of distributed call centers, and Figure 2, transfer

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between call centers with no central controller using the list of distributed call centers) so that a priority call or exclusion record generated at one call center is provided to the remaining call centers to result in the exclusion or prioritizing of the specified call record by all networked call centers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gagle with said plurality of contact centers does not require a central controller and said plurality of contact centers is further arranged such that , if there a fault or a change of mode of operation at one of the contact centers, remaining one of the plurality of contact centers continue to replicate and synchronize said contact objects ... at each of the remaining ones of the plurality of contact centers so that a priority call or exclusion record generated at one call center is provided to the remaining call centers to result in the exclusion or prioritizing of the specified call record by all networked call centers (as described by Khan at column 3, lines 50-60).

Gagle and Khan do not explicitly teach agent objects being synchronized. Allen does teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Gagle with agent object being synchronized to select the best-fit agent for a call (paragraph 10, lines 15-16) as taught by Allen.

As per claim 2, same as claim arguments above and Khan teaches:

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wherein each of said contact centers is arranged to receive incoming contacts directly at that contact center (column 3, lines 30-35 as incoming calls to the call center).

As per claim 3, same as claim arguments above and Gagle teaches:

wherein at least one of said contact centers is arranged to operate in a first mode and a second mode whereby in said first mode at least some incoming contacts received directly at that contact center are serviced only by said contact center (column 4, lines 5-34, as agent accepts a call) and whereby in said second mode at least some incoming contacts received directly at that contact center are serviced at any suitable contact center in the network (column 5, lines 8-11 as route call to available agent in the network).

As per claim 4, same as claim arguments above and Gagle teaches:

wherein each of the contact centers further comprises a processor arranged to access the contact objects and the agent objects stored at that contact center in order to allocate a contact to the most suitable agent network-wide (column 5, lines 48-49 as share workload according to agent resources and skills).

As per claim 6, same as claim arguments above and Gagle teaches:

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wherein each of the contact centers further comprises a processor arranged to access the contact objects and the agent objects stored at that contact center such that when an agent becomes available at that contact center a contact is selected for that agent network-wide (column 5, lines 37-50 as allows call center servers to share queue information and share workload according to available agent resources and skills).

As per independent claim 7 Gagle teaches:

A contact center for use in a network of contact centers, said contact center (column 1, lines 7-10, a plurality of contact centers) comprising:

(i) a contact object memory storing a plurality of contact objects each representing a different contact in the network of contact centers (column 4, lines 5-10 and Figure 3, element 122 as call queue server is updated with details about the call);

and (ii) an agent object memory storing a plurality of agent objects each representing a different agent in the network of contact centers (column 5, lines 8-12 as call center server directs call to an available agent and thus stores agent objects) each of said plurality of agent objects comprising information representing a respective agent and its availability (column 5, lines 47-48, agent availability);

(iii) means for notifying changes in any of the said contact objects ... to other contact centers in the network of contact centers to there by replicate and synchronize said contact and agent objects with those at each of the other

contact centers (column 5, lines 37-45 as replicating details of incoming calls to each of the call center servers).

Gagle does not explicitly teach means arranged such that if there a fault or a change of mode of operation at one of the contact centers, remaining one of the plurality of contact centers continue to replicate and synchronize said contact objects ... at each of the remaining ones of the plurality of contact centers. Khan does teach this limitation (column 4, lines 25-41, as transfer file sent to each of the distributed call centers and list of distributed call centers, and Figure 2, transfer between call centers with no central controller using the list of distributed call centers) so that a priority call or exclusion record generated at one call center is provided to the remaining call centers to result in the exclusion or prioritizing of the specified call record by all networked call centers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gagle with ... if there a fault or a change of mode of operation at one of the contact centers, remaining one of the plurality of contact centers continue to replicate and synchronize said contact objects ... at each of the remaining ones of the plurality of contact centers so that a priority call or exclusion record generated at one call center is provided to the remaining call centers to result in the exclusion or prioritizing of the specified call record by all networked call centers (as described by Khan at column 3, lines 50-60).

Gagle and Khan do not explicitly teach agent objects being synchronized. Allen does teach this limitation (paragraph 10) to select best-fit agent. It would



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have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Gagle with agent object being synchronized to select the best-fit agent for a call (paragraph 10, lines 15-16) as taught by Allen.

As per independent claim 8 Gagle teaches:

A method of managing a contact in a network of contact centers center (column 1, lines 7-10, a plurality of contact centers) said method comprising:

(i) at each contact center in the network storing a plurality of contact objects each representing a different contact in the network of contact centers(column 4, lines 5-10 and Figure 3, element 122 as call queue server is updated with details about the call);

and (ii) at said each contact center storing a plurality of agent objects each representing a different agent in the network of contact centers (column 5, lines 8-12 as call center server directs call to an available agent and thus stores agent objects) each of said plurality of agent objects comprising information representing a respective agent and its availability (column 5, lines 47-48, agent availability);

and (iii) at said each contact center , notifying all other contact centers of any changes in contact objects and agent objects stored at said contact center to thereby replicate and synchronize said contact objects ... at each of the contact centers in the network(column 5, lines 37-45 as replicating details of incoming calls to each of the call center servers).

Gagle does not explicitly teach if there a fault or a change of mode of operation at one of the contact centers, remaining one of the plurality of contact centers continue to replicate and synchronize said contact objects ... at each of the remaining ones of the plurality of contact centers. Khan does teach this limitation (column 4, lines 25-41, as transfer file sent to each of the distributed call centers and list of distributed call centers, and Figure 2, transfer between call centers with no central controller using the list of distributed call centers) so that a priority call or exclusion record generated at one call center is provided to the remaining call centers to result in the exclusion or prioritizing of the specified call record by all networked call centers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gagle with if there a fault or a change of mode of operation at one of the contact centers, remaining one of the plurality of contact centers continue to replicate and synchronize said contact objects ... at each of the remaining ones of the plurality of contact centers so that a priority call or exclusion record generated at one call center is provided to the remaining call centers to result in the exclusion or prioritizing of the specified call record by all networked call centers (as described by Khan at column 3, lines 50-60).

Gagle and Khan do not explicitly teach agent objects being synchronized. Allen does teach this limitation (paragraph 10) to select best-fit agent. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Gagle with agent object being

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synchronized to select the best-fit agent for a call (paragraph 10, lines 15-16) as taught by Allen.

As per claim 9, same as claim arguments above and Khan teaches:

which further comprises receiving an incoming contact directly at any of said contact centers in the network (column 3, lines 30-35 as incoming calls to the call center).

As per claim 10, same as claim arguments above and Gagle teaches:

which comprises operating each contact center in a first mode and a second mode whereby in said first mode at least some incoming contacts received directly at that contact center are serviced only by said contact center (column 4, lines 5-34, as agent accepts a call);

and whereby in said second mode at least some incoming contacts received directly at that contact center are serviced at any suitable contact center in the network (column 5, lines 8-11 as route call to available agent in the network).

As per claim 11, same as claim arguments above and Gagle teaches:

which further comprises using a processor at any of the contact centers to access the contact objects and the agent objects stored at that contact center in order to allocate a contact to the most suitable agent network-wide (column 5, lines 48-49 as share workload according to agent resources and skills).

As per claim 12, same as claim arguments above and Gagle teaches:  
which further comprises using a processor at any of the contact centers to  
access the contact objects and the agent objects stored at that contact center  
such that when an agent becomes available at that contact center a contact is  
selected for that agent network-wide (column 5, lines 37-50 as allows call center  
servers to share queue information and share workload according to available  
agent resources and skills).

As per independent claim 13 Gagle teaches:

A method of operating a contact center in a network of contact centers center  
(column 1, lines 7-10, and a plurality of contact centers), said method comprising  
the steps of:

- (i) at said contact center storing a plurality of contact objects each representing a  
different contact in the network of contact centers(column 4, lines 5-10 and  
Figure 3, element 122 as call queue server is updated with details about the call);
- (ii) at said contact center storing a plurality of agent objects each representing a  
different agent in the network of contact centers (column 5, lines 8-12 as call  
center server directs call to an available agent and thus stores agent objects)  
each of said plurality of agent objects comprising information representing a  
respective agent and its availability (column 5, lines 47-48, agent availability);
- (iii) notifying all other contact centers of any changes in contact objects and  
agent objects to thereby replicate ... said contact objects and agent objects with

those at each of the other contact centers (column 5, lines 37-45 as replicating details of incoming calls to each of the call center servers).

Gagle does not explicitly teach means arranged such that if there a fault or a change of mode of operation at one of the contact centers, remaining one of the plurality of contact centers continue to replicate and synchronize said contact objects ... at each of the remaining ones of the plurality of contact centers..... Khan does teach this limitation (column 4, lines 25-41, as transfer file sent to each of the distributed call centers and list of distributed call centers, and Figure 2, transfer between call centers with no central controller using the list of distributed call centers) so that a priority call or exclusion record generated at one call center is provided to the remaining call centers to result in the exclusion or prioritizing of the specified call record by all networked call centers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gagle with ... if there a fault or a change of mode of operation at one of the contact centers, remaining one of the plurality of contact centers continue to replicate and synchronize said contact objects ... at each of the remaining ones of the plurality of contact centers ...so that a priority call or exclusion record generated at one call center is provided to the remaining call centers to result in the exclusion or prioritizing of the specified call record by all networked call centers (as described by Khan at column 3, lines 50-60).

Gagle and Khan do not explicitly teach agent objects being synchronized. Allen does teach this limitation (paragraph 10) to select best-fit agent. It would

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have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Gagie with agent object being synchronized to select the best-fit agent for a call (paragraph 10, lines 15-16) as taught by Allen.

**Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gagie and Khan and Allen as applied to claims 1 above, and further in view US Patent 6,636,599 issued to David Mullen ("Mullen").**

As per claim 5, same as claim arguments above and Gagie and Khan and Allen do not explicitly teach wherein said most suitable agent network-wide is a network longest-idle agent. Mullen does teach this limitation (column 5, lines 65 to column 6, line 3) to preclude disproportionate idle time to some agents. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Gagie and Allen with wherein said most suitable agent network-wide is a network longest-idle agent to preclude disproportionate idle time to some agents (column 6, lines 64-66).

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

**Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Rayyan

March 11, 2008

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/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167